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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/588,553 06/07/00 FREYSSINET

J P101614-0000

EXAMINER

HM22/1220

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1050 CONNECTICUT AVENUE NW  
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GRUN, J

ART UNIT

PAPER NUMBER

1641

DATE MAILED:

12/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/588,553

Applicant(s)

FREYSSINET et al.

Examiner  
James L. Grun, Ph.D.

Group Art Unit  
1641



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 36-63 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 36-63 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☒ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1641

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Technology Center 1600, Group 1640, Art Unit 1641.

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 36-44, drawn to an enzymatic method of detecting microparticles and/or  
5 procoagulant cells, classified in Class 435, subclasses 7.8 or 13.

II. Claims 45-51, drawn to a sandwich immunoassay method of detecting a subgroup of microparticles and/or procoagulant cells, classified in Class 435, subclass 7.21.

III. Claims 52-60, drawn to a method of determining phospholipid-binding antibodies, classified in Class 436, subclass 519.

10 IV. Claims 61-63, drawn to a method of determining apoptotic bodies, classified in Class 435, subclasses 7.23, 7.24, or 7.25.

The inventions are distinct, each from the other because of the following reasons:

15 The inventions of Groups I-IV, compared each to the other, are independent and distinct methods differing in design, function, and performance. Different cells or blood components are detected with the various methods with varying reagents using varying binding/enzymatic assay formats.

20 Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter as shown by, among other things, their different classification, and the search required for each Group may be overlapping, but

Art Unit: 1641

is not co-extensive, with the searches required for each of the other Groups, restriction for examination purposes as indicated is proper.

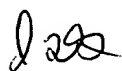
Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

5 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

10 Any inquiry concerning this communication or earlier communications from the Examiner should be directed to James L. Grun, Ph.D., whose telephone number is (703) 308-3980. The examiner can normally be reached on weekdays from 9 a.m. to 5 p.m.

15 If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Long Le, SPE, can be contacted at (703) 305-3399. The fax phone numbers for official communications to Group 1640 are (703) 305-3014 or (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



James L. Grun, Ph.D.  
December 18, 2000



CHRISTOPHER L. CHIN  
PRIMARY EXAMINER  
GROUP 1640-1641